

EXHIBIT C

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January 29, 2015

VIA E-MAIL TO: jay.weil@fedarb.com

The Honorable Vaughn Walker (Ret.)
c/o Mr. Jay Weil
Federal Arbitration, Inc.
228 Hamilton Avenue, 3rd Floor
Palo Alto, CA 94301

Re: *In re Cathode Ray Tube (CRT) Antitrust Litigation*, Case No. 07-5944 SC,
MDL No. 1917 (N.D. Cal.): The Toshiba Defendants' Reply In Support Of Their
Submission Of Evidence Of A Close Corporate Relationship Between SEC / SEMA And
Sharp Corporation

Dear Judge Walker:

On behalf of the Toshiba Defendants, we submit this short reply to address the Sharp Plaintiffs' January 22, 2015 response to our submission of evidence of a close corporate relationship between SEC / SEMA and Sharp Corporation.

In their January 22, 2015 submission, the Sharp Plaintiffs state that "Mr. Harada recently applied for a visa to travel to the United States and is in discussions with SEMA about working for it in some capacity." Sharp Letter at 5.

Japan participates in the Visa Waiver Program of the United States. Att. 1. Participation in this program allows Japanese nationals "to travel to the United States for tourism or business (visitor visa purposes) for stays of 90 days or less without obtaining a visa." *Id.* at 1. Because the Sharp Plaintiffs state that Mr. Harada has applied for a visa in relation to possible employment with SEMA, Mr. Harada must have applied for a work visa that will allow him to be employed in the United States for a period longer than 90 days. "Most temporary work categories require that your prospective employer or agent file a petition, which must be approved by the U.S. Citizenship and Immigration Services (USCIS) in the United States *before* you can apply for a work visa." Att. 2 at 1 (emphasis added).

The Sharp Plaintiffs do not specify what type of visa Mr. Harada has applied for. If he has applied for an H-1B (specialty occupation) visa, then he already has a contract with SEMA. See Att. 2 at 1 (describing qualifications for H-1B visa: "Your employer is required to file a labor condition application with the Department of Labor concerning the terms and conditions of

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its contract of employment with you.”). Alternatively, he may have applied for an L-1 (intra-company transferee) visa, which itself would be an admission of a close corporate relationship between SEMA and Sharp Corporation.

Irrespective of the type of work visa that Mr. Harada has applied for, an entity has already filed a petition with U.S. Citizenship and Immigration Services on Mr. Harada’s behalf in order to obtain this visa. Based upon the representations made by the Sharp Plaintiffs in their January 22 letter, that entity must be SEMA.

Mr. Harada’s visa (for which he has already applied) provides another reason why SEMA controls Mr. Harada, such that Mr. Harada should be immediately produced for a deposition (or, alternatively, the Court should issue an adverse jury instruction against the Sharp Plaintiffs).

Respectfully submitted,



Darius B. Lau

cc: All counsel of record

Attachment 1

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APPLY FOR A U.S. VISA

in Japan

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Visa Waiver Program

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Overview

The Visa Waiver Program (VWP) enables nationals of certain countries to travel to the United States for tourism or business (visitor visa purposes) for stays of 90 days or less without obtaining a visa. Not all countries participate in the VWP, and not all travelers from VWP countries are eligible to use the program. VWP travelers are required to apply for authorization through the [Electronic System for Travel Authorization \(ESTA\)](#), are screened at their port of entry into the United States, and are enrolled in the Department of Homeland Security's [US-VISIT program](#).

* Member Countries

Andorra	Hungary	New Zealand
Australia	Iceland	Norway
Austria	Ireland	Portugal
Belgium	Italy	Republic of Korea
Brunei	Japan	San Marino
Chile	Latvia	Singapore
Czech Republic	Liechtenstein	Slovakia
Denmark	Lithuania	Slovenia
Estonia	Luxembourg	Spain
Finland	Malta	Sweden
France	Monaco	Switzerland
Germany	Netherlands	Taiwan
Greece		United Kingdom

Nationals of member countries can travel without a visa for tourist and business travel of 90 days or less provided they meet the following requirements:

- ▶ Possess a VWP-compliant passport (Please see [Passport Requirements](#) below).
- ▶ Register on-line through the Electronic System for Travel Authorization (ESTA).
- ▶ Meet the standard VWP conditions mentioned below.

For citizens of Canada, Mexico, and British Overseas Territories of Bermuda, please visit the [State Department's Travel website](#).

***Starting May 1, 2014**, eligible Chilean passport holders with both an approved Electronic System for Travel Authorization, or ESTA, and an e-passport will be able to visit the U.S. without first obtaining a nonimmigrant visitor visa. Travelers may begin submitting applications via the ESTA website starting Feb. 28, 2014. For more information, please visit [Custom and Border Protections' website](#).

Traveling with Diplomatic or Official Passport:

Official or Diplomatic passport holders who travel to the United States for **pleasure or transit**, they may travel under the Visa Waiver Program. Foreign officials who are traveling to the United States on **official business**, they are

required to obtain diplomatic/government visas, even if their stay in the United States is less than 90 days.

Disclaimer:

With respect to all references to "country" or "countries" on this page, it should be noted that the Taiwan Relations Act of 1979, Pub. L. No. 96-8, Section 4(b)(1), provides that "whenever the laws of the United States refer or relate to foreign countries, nations, states, governments, or similar entities, such terms shall include and such laws shall apply with respect to Taiwan." 22 U.S.C. § 3303(b)(1). Accordingly, all references to "country" or "countries" in the Visa Waiver Program authorizing legislation, Section 217 of the Immigration and Nationality Act, 8 U.S.C. 1187, are read to include Taiwan. This is consistent with the United States' one-China policy, under which the United States has maintained unofficial relations with Taiwan since 1979.

Qualifications

To enter the U.S. on the Visa Waiver Program, travelers must be:

- ▶ A citizen of one of the countries listed above, and in possession of a VWP-compliant passport.
- ▶ Possessing the ESTA authorization
- ▶ Plan to travel for business, pleasure, or transit.
- ▶ Staying in the U.S. for 90 days or less
- ▶ Plan to travel for:
 - a. Business- The purpose for your planned travel is to consult with business associates, travel for a scientific, educational, professional or business convention, or conference on specific dates, settle an estate, or negotiate a contract.
 - b. Pleasure/Tourism- The purpose of your planned travel is recreational in nature, including tourism, vacation (holiday), amusement, visits with friends or relatives, rest, medical treatment, activities of a fraternal, social, or service nature, and participation by amateurs, who will receive no remuneration, in musical, sports and similar events or contests.
 - c. Transit- If you are traveling through the United States.

AND if entering the U.S. by air or sea must be:

- ▶ Holding a return or onward ticket. If travelling on an electronic ticket, a copy of the itinerary must be carried for presentation to the immigration inspector. Travelers with onward tickets terminating in Mexico, Canada, Bermuda or the Caribbean Islands must be legal residents of these areas.
- ▶ Entering the United States aboard an [air or sea carrier that has agreed to participate in the program](#). This includes aircraft of a U.S. corporation that has entered into an agreement with the Department of Homeland Security to carry passengers under the Visa Waiver Program.

If entering the U.S. by land from Canada or Mexico, the documentary requirements are the same, except there is no requirement for round-trip tickets and signatory carriers. You must satisfy the inspecting officer that you have funds to support yourself during your stay and to depart the U.S.

Electronic System for Travel Authorization (ESTA)

All nationals or citizens of VWP countries who plan to travel to the U.S. for temporary business or pleasure require an approved [Electronic System for Travel Authorization \(ESTA\)](#) prior to boarding a carrier to travel by air or sea to the U.S. under the VWP. Travelers who have been refused an ESTA cannot travel under the VWP. Please apply for a visa before departure.

Passport Requirements

All VWP travelers, regardless of age or type of passport used, must present a machine-readable passport. In addition, depending on when VWP travelers' passports were issued, other passport requirements apply:

- ▶ Machine-readable passports issued or renewed/extended on or after October 26, 2006 requires integrated chip with information from the data page ([e-passport](#)).
- ▶ Machine-readable passports issued or renewed/extended between October 26, 2005 and October 25, 2006 require digital photograph printed on the data page.
- ▶ Machine-readable passports issued or renewed/extended before October 26, 2005 have no further requirements.
- ▶ New VWP countries: Nationals of the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, the Republic of Korea, and the Slovak Republic require passports with an integrated chip containing the information from the data page (e-Passport).
- ▶ Taiwan VWP travelers are required to travel on a biometric Taiwan passport (called an e-passport) that was **issued on or after December 29, 2008 and contains a National ID number**.

Visitors traveling to the U.S. are required to be in possession of passports that are valid for six months beyond the period of their intended stay in the U.S. Citizens of the countries listed on [Six Month Club Update](#) are exempt to the six-month rule and need only have a passport valid for their intended period of stay. If you are traveling visa free under the Visa Waiver Program, your passport needs to be valid for at least 90 days. If your passport is not valid for 90 days, you will be admitted into the U.S. until the date on which the passport expires.

If you are a traveler from a VWP country and your passport does not meet these requirements, you may want to

consider obtaining a new VWP-compliant passport from the passport issuing authority in your country of citizenship. Otherwise you cannot travel under VWP and you must obtain a visa in your valid passport for entry into the U.S.

Ineligibility

Some travelers may not be eligible to enter the U.S. visa free under the VWP. These include people who have been arrested, even if the arrest did not result in a criminal conviction, those with criminal records (even if subject of a pardon, amnesty, or other act of clemency), certain serious communicable illnesses, those who have been refused admission into, or have been deported from, the U.S., or have previously overstayed on the visa waiver program. Such travelers must apply for a visa. If they attempt to travel without a visa, they may be refused entry into the U.S.

Travelers with minor traffic offenses which did not result in an arrest and/or conviction for the offense may travel visa free, provided they are otherwise qualified. If the traffic offense occurred while you were in the U.S. and you have an outstanding fine against you or you did not attend your court hearing, it is possible there may be a warrant out for your arrest and you will experience problems when applying for admission into the U.S. Therefore, you should resolve the issue before travelling by contacting the court where you were to appear. If you do not know the address of the court, then information is available online at www.refdesk.com.

Visa-free travel does not include those who plan to study, work or remain in the U.S. for longer than 90 days or envisions that they may wish to change their status (from tourism to student, etc.) once in the U.S. Such travelers need visas. If an immigration officer believes that a visa-free traveler is going to study, work or stay longer than 90 days, the officer will refuse to admit the traveler.

Transit under the Visa Waiver Program

Travelers who qualify for visa free travel under the Visa Waiver Program are eligible to transit the U.S. You must apply for [ESTA](#). If transiting the U.S. to a destination in Canada, Mexico or the adjacent islands, the traveler may re-enter the U.S. on the return journey using any mode of transport, as long as the total visit, including both periods of time spent in transit and in Canada, Mexico or the adjacent islands, does not exceed 90 days. If you transit the U.S. to Canada, Mexico, or the adjacent islands, spend more than 90 days there, you may re-enter the U.S. if you can demonstrate at a port of entry that your stay in the neighboring country was meaningful. If transiting to a destination outside of Canada, Mexico, or the adjacent islands, the return journey must be on a participating carrier, but need not be within 90 days, as the traveler will be required to make a new application for admission. Travelers transiting the U.S. to take up residence in Mexico, Canada, Bermuda or the Caribbean Islands must be legal residents of these areas.

Guam-CNMI Visa Waiver Program

Beginning November 28, 2009, U.S. immigration law applies to the Commonwealth of the Northern Mariana Islands (CNMI) and the Guam-CNMI Visa Waiver Program will be in effect. Until then, the current Guam Visa Waiver Program will remain in effect. For details, see [Guam Visa Waiver Program](#).

Applicants from Canada, Mexico and Bermuda

Canada, Mexico and Bermuda are not participants in the Visa Waiver Program. The Immigration and Nationality Act includes other provisions for visa-free travel for nationals of Canada and Bermuda under certain circumstances. See [Citizens of Canada and Bermuda](#). Since they are not part of the Visa Waiver Program, VWP requirements for machine-readable or biometric passports do not apply to nationals of Canada, Mexico or Bermuda. Also, it should be noted that some nationals of Canada and Bermuda traveling to the United States require nonimmigrant visas.

More Information

Learn more about the Visa Waiver Program at the Department of State's [website](#).

Do not contact the Embassy or our call center for questions on the Electronic System for Travel Authorization. This process is owned by the Department of Homeland Security. Any inquiries on the ESTA process should be directed to the [Department of Homeland Security](#).

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The U.S. Department of State's Bureau of Consular Affairs [website](#) and Consular Post websites are the definitive sources of visa information. Should there be discrepancies in content, the Consular Affairs website and Consular Post websites take precedence.

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Attachment 2


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Overview

If you want to work in the United States temporarily as a nonimmigrant, under U.S. immigration law, you need a specific visa based on the type of work you will be doing. Most temporary worker categories require that your prospective employer or agent file a petition, which must be approved by the U.S. Citizenship and Immigration Services (USCIS) in the United States before you can apply for a work visa.

All applicants for H, L, O, P and Q visas must have a petition approved on their behalf by USCIS. The petition, [Form I-129](#), must be approved before you can apply for a work visa at the Embassy. When your petition is approved, your employer or agent will receive a Notice of Action, Form I-797, which serves as your petition's approval notification. The consular officer will verify your petition approval through the Department of State's Petition Information Management Service (PIMS) during your interview.

You must bring your I-129 petition receipt number to your interview at the Embassy in order to verify your petition's approval. Please note that approval of a petition does not guarantee issuance of a visa if you are found to be ineligible for a visa under U.S. immigration law.

For petition information for blanket L visa application, please see [here](#).

Visa Descriptions and Qualifications

H-1B (specialty occupation)

An H-1B visa is required if you are coming to the United States to perform services in a pre-arranged professional job. To qualify, you must hold a bachelor's or higher degree (or an equivalent degree) in the specific specialty for which you seek employment. USCIS will determine whether your employment constitutes a specialty occupation and whether you are qualified to perform the services. Your employer is required file a labor condition application with the Department of Labor concerning the terms and conditions of its contract of employment with you.

H-2A (seasonal agricultural workers)

An H-2A visa allows U.S. employers to bring foreign nationals to the United States to fill temporary agricultural jobs for which U.S. workers are not available. An H-2A nonimmigrant classification applies to you if you seek to perform agricultural labor or services of a temporary or seasonal nature in the United States on a temporary basis. A U.S. employer (or an association of U.S. agricultural producers named as a joint employer) must file a Form I-129, Petition for Nonimmigrant Worker, on your behalf.

H-2B visa (skilled and unskilled workers)

This visa is required if you are coming to the United States to perform a job which is temporary or seasonal in nature and for which there is a shortage of U.S. workers. Your employer is required to obtain a Department of Labor certification confirming that there are no qualified U.S. workers eligible for the type of employment on which your petition is based.

H-3 (trainee)

An H-3 visa is required if you are coming to the United States to receive training from an employer in any field of endeavor, other than graduate education or training, for a period of up to two years. You can be paid for your training and "hands-on" work is authorized. Training cannot be used to provide productive employment and cannot be available in your home country.

H-4 (dependents)

If you are the principal holder of a valid H visa, your spouse or unmarried children (under age 21) may receive an H-4 visa to accompany you to the United States. However, your spouse/children are not permitted to work while in the United States.

There is no requirement that the spouse and/or children of an H-1 visa holder apply for a student (F-1) visa if they wish to study in the U.S. They may study on an H-4 visa. However, if qualified, they may apply for an F-1 visa. If you have school-age children, you should refer to the regulations governing the issuance of F-1 visas.

The holder of an H-4 visa **may not work** on a derivative visa. If he/she is seeking employment, the appropriate work visa will be required.

L-1 (intra-company transferees)

An L-1 visa is required if you are the employee of an international company which is temporarily transferring you to a parent branch, affiliate, or subsidiary of the same company in the United States. The international company may be either a U.S. or foreign organization. To qualify for an L-1 visa, you must be at the managerial or executive level, or have specialized knowledge and be destined to a position within the U.S. company at either of these levels, although not necessarily in the same position as held previously. In addition, you must have been employed outside the United States with the international company continuously for one year within the three years preceding your application for admission into the United States. You may only apply for an L-1 visa after your U.S. company or affiliate has received an approved petition from USCIS, either on a "blanket" or individual basis.

L-1 Blanket

Companies seeking the classification of multiple applicants as intra-company transferees may file a blanket petition with USCIS. The blanket petition ([Form I-129S](#)) provision is meant to serve only relatively large, established companies having multi-layered structures and numerous related business entities. The blanket petition provision is available only to managers, executives, and specialized knowledge. Note: Form I-129S has been revised. Date of the revised version has been specified as 06/12/13 on the lower right of the form. After September 9, 2013, old versions dated 04/01/12 and 11/3/10 cannot be accepted for blanket L visa applications.

L-2 (dependents)

If you are the principal holder of a valid L visa, your spouse or unmarried children (under age 21) may receive this derivative visa. Due to a recent change in the law, your spouse may seek employment authorization. Your spouse must enter the United States on his/her own L-2 visa and then submit a completed [Form I-765](#) (obtainable from USCIS), along with an application fee. Your children are not authorized to work in the United States.

O

Type O visas are issued to people with extraordinary ability in the sciences, arts, education, business and athletics, or extraordinary achievement in motion picture and television production, and their essential support personnel.

O-2 (persons accompanying an O-1)

The O-2 visa classification is for athletes and members of the entertainment industry who are an integral part of a performance possessing skills and experience not available in the United States. Such persons may apply for O-2 visas to accompany an O-1 visa holder.

P (artists, entertainers)

Type P visas are issued to certain athletes, entertainers, artists and essential support personnel who are coming to perform in the United States.

P-2 (artists or entertainers)

The P-2 visa classification provides for the admission into the United States of an artist or entertainer, either an individual or group, involved in a reciprocal exchange program between an organization or organizations in the United States and one or more foreign countries which provides for the temporary exchange of artists and entertainers.

P-3 (artists or entertainers)

The P-3 visa classification provides for the admission into the United States of an artist or entertainer, either an individual or group, to perform, teach, or coach under a program that is culturally unique.

Q

A Q visa is required if you are traveling to the United States to participate in an international cultural exchange program for the purpose of providing practical training, employment, and the sharing of the history, culture, and traditions of your home country. You must have a petition filed on your behalf by the program sponsor and the

petition must be approved by USCIS.

When to Apply

The U.S. Embassy/Consulate may process your H, L, O, P or Q visa application up to 90 days prior to the beginning of employment status as noted on your I-797. However, when making your travel plans, please note that due to Federal regulations, you can only use the visa to apply for entry to the United States starting ten days prior to the beginning of the approved status period noted on your I-797.

Application Items

If you apply for an H, L, O, P or Q visa, you must submit the following:

- ▶ A Nonimmigrant Visa Electronic Application (DS-160) Form. Visit the [DS-160 webpage](#) for more information about the DS-160.
- ▶ A passport valid for travel to the United States with a validity date at least six months beyond your intended period of stay in the United States (unless [country-specific agreements](#) provide exemptions). If more than one person is included in your passport, each person desiring a visa must submit an application.
- ▶ One (1) 2"x2" (5cmx5cm) photograph taken within 6 month against white background (Please attach your photo upside down on the upper left corner of DS-160 confirmation page). [This web page](#) has information about the required photo format.
- ▶ An interview appointment letter confirming that you booked an appointment through [this service](#).
- ▶ If you are an L-1 applicant on a blanket petition, you must pay a fraud prevention and detection fee and a \$2,250 [Border Security Act Fee](#) (if the employer has more than 50 employees in the United States, more than 50% of whom are L-1 status and if the fees are not collected by the U.S. Citizenship and Immigration Services at the time the petition is filed). The fee(s) can be paid in cash (either yen or dollars but yen is preferred), with a credit card, or by money order. Please be prepared to pay with cash if the credit card verification system is temporarily unavailable. Payment by credit card is billed in US dollars.
- ▶ If you are an L-1 applicant on a blanket petition, and your company already has blanket approval to send intra-company transferees, you will be required to submit the following items with your application documents:
 - ▶ One original and two copies of form [I-129S](#) filled out with your position;
 - ▶ Three copies of I-797;
 - ▶ Three copies of the recommendation letter from your employer;
 - ▶ Three copies of subsidiary and affiliated companies in the U.S. (if appropriate)
- ▶ For H, L (no blanket), O, P, Q visa applicants, submit also I-797 Petition Approval Notice (copy or original), I-129 petition (copy), and employment certificate from your employer.

Non-Japanese applicants must also include:

- ▶ Photocopy (both sides) of the Japanese Alien Registration Card or "Zairyu" card
- ▶ Family members' passports who reside in Japan, even if they are not traveling with you or applying for a visa

In addition to these items, please also bring whatever supporting documents you believe support the information provided to the consular officer. If a visa is issued, there may be an additional visa issuance reciprocity fee, depending on your nationality. The Department of State's [website](#) can help you find out if you must pay a visa issuance reciprocity fee and what the fee amount is.

How to Apply

Application procedures vary between consular posts. [Click here](#) for complete details.

Supporting Documents

Supporting documents are only one of many factors a consular officer will consider in your interview. Consular officers look at each application individually and consider professional, social, cultural and other factors during adjudication. Consular officers may look at your specific intentions, family situation, and your long-range plans and prospects within your country of residence. Each case is examined individually and is accorded every consideration under the law.

Caution: Do not present false documents. Fraud or misrepresentation can result in permanent visa ineligibility. If confidentiality is a concern, you should bring your documents to the U.S. Embassy/Consulate in a sealed envelope. The U.S. Embassy/Consulate will not make your information available to anyone and will respect the confidentiality of your information.

Consular officers look at each application individually and consider professional, social, cultural and other factors during adjudication. Consular officers may look at your specific intentions, family situation, and your long-range plans and prospects within your country of residence. Each case is examined individually and is accorded every consideration under the law. If you are a first time visa applicant, you may save time by bringing the following documents to your interview. English translations must be attached to all documents which are in a foreign language.

- ▶ Evidence that establishes your job qualifications, including any university diplomas.

- ▶ Original letters (and/or Russian employment book) from current and previous employers detailing your position and projects you worked on and how long you worked with your employers.
- ▶ If you are currently working and holding an H-1B visa, please submit your pay slips for the current calendar year and your Federal tax returns (IRS Form 1040 and W-2) for all the years in which you have been employed in the United States. You should bring:
 - ▶ pay slips from your current or most recent place of employment
 - ▶ the names and current phone numbers of the personnel managers at your present and previous places of employment
 - ▶ your resume or CV

Dependents

Your dependents should bring all required documents for any nonimmigrant visa, plus

- An original marriage (for your spouse) and/or birth certificate (for unmarried children under 21) that provide evidence of the dependent's relationship to the principal applicant.
- A copy of the I-797
- A copy of the principal applicant's visa if dependents apply for their visas at a later date.

More Information

For more information about H, L, O, P and Q visas, visit the Department of State's [Temporary Workers webpage](#)

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The U.S. Department of State's Bureau of Consular Affairs [website](#) and Consular Post websites are the definitive sources of visa information. Should there be discrepancies in content, the Consular Affairs website and Consular Post websites take precedence.

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